



H.R. 3985 – Over-the-Road Bus Transportation Accessibility Act of 2007

FLOOR SITUATION

H.R. 3985 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Peter DeFazio (D-OR) on October 29, 2007. The bill was reported out of the Committee on Transportation, by voice vote, on November 15, 2007.

H.R. 3985 is expected to be considered on December 11, 2007.

BACKGROUND

The Federal Motor Carrier Safety Administration (FMCSA) is the agency responsible for ensuring the over-the-road bus industry complies with Department of Transportation regulations, including compliance with the Americans with Disabilities Act (ADA).

According to the FMCSA website, "DOT's ADA regulations require accessible, timely over-the-road bus service for passengers with disabilities, including wheelchair users."

On several occasions, the FMCSA has stated that underlying statute does not grant them the authority to consider compliance with the ADA when granting operating status to over-the-road bus operators. If FMCSA discovers an ADA violation by these operators, the violation should be referred to the Department of Justice (DOJ). However, a Government Accountability Office study recently found that there is no formal mechanism for FMCSA to refer a violation to DOJ.

SUMMARY

H.R. 3985 requires the Federal Motor Carrier Safety Administration (FMCSA) to take into account compliance with the Americans with Disabilities Act (ADA) of over-the-road buses when they are registering for the authority to operate in interstate commerce.

**Note: An over-the-road bus is defined in this legislation as a bus characterized by an elevated passenger deck located over a baggage compartment.*

The bill requires the Department of Justice and the Department of Transportation to enter into a memorandum of understanding to outline specific roles and responsibilities in enforcing the compliance of motor carriers of over-the-road buses with accessibility requirements.

COST

The Congressional Budget Office estimates "that developing and enforcing new regulations to implement H.R. 3985 would cost the agency about \$500,000 in fiscal year 2008 and less than

\$300,000 each year thereafter. First-year costs include onetime systems upgrades and training expenses. Enacting the bill would not affect direct spending or revenues.” [CBO Cost Estimate](#)

STAFF CONTACT

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